

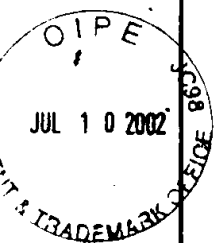
RCE/2512  
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PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/692,211
Filing Date	October 20, 2000
First Named Inventor	Akihiko ISHIBASHI et al
Group Art Unit	2812
Examiner Name	Savitri Mulpuri
Attorney Docket Number	740819-442

12/RCE  
7-Septor  
7-16-02

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
  - i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 13, 2002  
(Any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
  - i. ☐ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☒ Other Petition for Extension of Time Two Months and Preliminary Amendment

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.: 740819-442
  - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
  - ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii. ☐ Other: \_\_\_\_\_
- b. ☒ Check in the amount of \$1140.00 enclosed (includes Petition for Two Month Extension of Time)
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Donald R. Studebaker	Registration No. (Attorney/Agent)	#32,815
Signature		Date	7/10/02

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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Date	

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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# FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

## METHOD OF PAYMENT

- ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

19-2380(740819-442)

Deposit  
Account  
Name

Nixon Peabody LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR 1.27

## 2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit Card ☐ Money  
Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
101	201	740	370	Utility filing fee	
106	206	330	165	Design filing fee	
107	207	510	255	Plant filing fee	
108	208	740	370	Reissue filing fee	
114	214	160	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent		=	

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description
103	203	18	9	Claims in excess of 20
102	202	84	42	Independent claims in excess of 3
104	204	280	140	Multiple dependent claim, if not paid
109	209	84	42	** Reissue independent claims over original patent
110	210	18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

Complete if Known	
Application Number	09/692,211
Filing Date	October 20, 2000
First Named Inventor	Akihiko ISHIBASHI et al
Examiner Name	Savitri Mulpuri
Group Art Unit	2812
Attorney Docket No.	740819-442

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English transaction	
147	2,520	147	2,520 For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	400	200	200 Extension for reply within two month	\$400.00
117	920	460	460 Extension for reply within third month	
118	1,440	720	720 Extension for reply within fourth month	
128	1,960	228	980 Extension for reply within fifth month	
119	320	219	160 Notice of Appeal	
120	320	220	160 Filing a brief in support of an appeal	
121	280	221	140 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,280	241	640 Petition to revive - unintentional	
142	1,280	242	640 Utility issue fee (or reissue)	
143	460	243	230 Design issue fee	
144	620	244	310 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Processing fee under 37 CR 1.17(q)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	740	246	370 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370 For each additional invention to be examined (37 CFR § 1.29(b))	
179	740	279	370 Request for Continued Examination (RCE)	\$740.00
169	900	169	900 Request for expedited examination of a design application	
Other fee (specify) _____				

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1140.00)

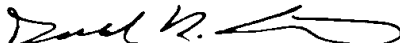
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Name \_\_\_\_\_

### SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Donald R. Studebaker	Registration No. (Attorney/Agent)	#32,815	Telephone	(703) 770-9300
Signature		Date	7/10/02		

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **PATENT** Application of

Akihiko ISHIBASHI et al

Japanese Priority Application No. 11-299640

Japanese Priority Date: October 21, 1999

For: METHOD OF FABRICATING NITRIDE

SEMICONDUCTOR DEVICE

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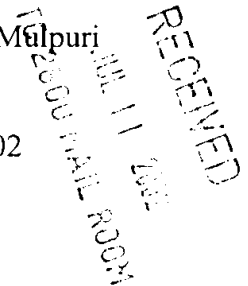
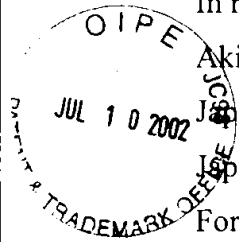
) Art Unit Group: 2812

) Examiner: Savitri Mulpuri

)

) Date: July 10, 2002

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PRELIMINARY AMENDMENT

Commissioner for Patents

Washington, D.C. 20231

Sir:

Please preliminarily amend the subject application as follows:

**IN THE CLAIM:**

Please note that the amended claims are presented below in their amended form. It is further as an Attachment to the Amendment whereby the amendments to the specification is outlined using the conventional method of bracketing and underlining.

13. **(AMENDED)** A method of fabricating a nitride semiconductor device by a vapor deposition method comprising:

a step of growing , on a substrate, a first nitride semiconductor layer including magnesium under a first growth ambient pressure; and

a step of growing a second nitride semiconductor layer, which is adjacent to said first nitride semiconductor layer and does not include aluminum and magnesium, under a second growth ambient pressure,

wherein said first growth ambient pressure is lower than said second growth ambient pressure, and is lower than the atmospheric pressure